

CHAPTER 22.94 - EL POMAR-ESTRELLA PLANNING AREA

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22.94.010 - Purpose and Applicability

This Chapter provides standards for proposed development and new land uses that are specific to the El Pomar-Estrella planning area defined by the Land Use Element. These standards apply to proposed development and new land uses as provided by Section 22.90.020 (Applicability), and are organized according to the specific areas and/or land use categories within the planning area to which they apply.

22.94.020 - Areawide Standards

The following standards apply throughout the El Pomar-Estrella planning area, where applicable.

- A. Archaeological Resources.** All land use permit applications subject to discretionary review that propose development within 100 feet of the bank of a creek (appearing as a solid, dotted, or dashed blue line on the applicable U.S. Geological Survey 7.5 -minute topographic quadrangle map), and within 300 feet of a creek where the slope of the site is less than 10 percent, shall be subject to the following requirements.
- 1. Preliminary site survey required.** Before issuance of a land use or construction permit, a preliminary survey shall be conducted by a qualified archaeologist approved by the County Environmental Coordinator to determine the likelihood of existence of resources. The report of the archaeologist shall be submitted to the Planning Department and considered in the evaluation of the development request by the applicable approval body.
 - 2. When a mitigation plan is required.** If the preliminary site survey determines that proposed development may have significant effects on an existing, known or suspected archaeological resource, a Minor Use Permit shall be required and shall include a plan prepared by the archaeologist for mitigation to protect the resource. The plan may recommend further study, subsurface testing, monitoring during construction, project redesign or other appropriate actions. The plan shall require approval by the Environmental Coordinator prior to consideration of the development request by the applicable approval body.

3. **If resources are found.** In the event archaeological resources are found on the site, construction activities shall cease, and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered material may be recorded by a qualified archaeologist and artifacts may be preserved in accordance with state and federal law. In the event archaeological resources are found to include human remains, the County Coroner shall also be notified.

[Added 2003, Ord. 3014]

B. Riparian and Wildlife Corridors. New development in new land divisions and on publicly-owned property, and all new development subject to discretionary review shall be set back a minimum of 50 feet from the top of the bank of any watercourse, as defined in the Land Use Ordinance, or outside the dripline of riparian vegetation, whichever distance is greater, as shown in Figure 94-1. Trails may be located within this required setback only if trail design and construction avoid or mitigate environmental impacts. Adjustments to this standard may be made only if all of the following are met:

1. Alternatives are determined to be infeasible or more environmentally damaging.
2. Native vegetation compatible with riparian habitat is used for all revegetation and landscaping within the setback from the watercourse.
3. Adequate erosion and sedimentation control measures are implemented during grading and construction.
4. No alteration of riparian vegetation is necessary (except for creek crossings, which shall be minimized).
5. The setback from the top of the bank shall not be less than 30 feet.
6. When significant impacts to stream or riparian resources will occur, the applicant shall fund mitigation approved by the County or another public agency with jurisdiction, plus monitoring and restoration measures implemented by qualified professionals.

Stream alteration may be allowed for water supply and flood control projects, maintenance of existing roads or channels, projects to address public safety concerns, improvement of fish and wildlife habitat, or approved surface mining operations, provided that no practical alternative is available.

[Added 2003, Ord. 3014]

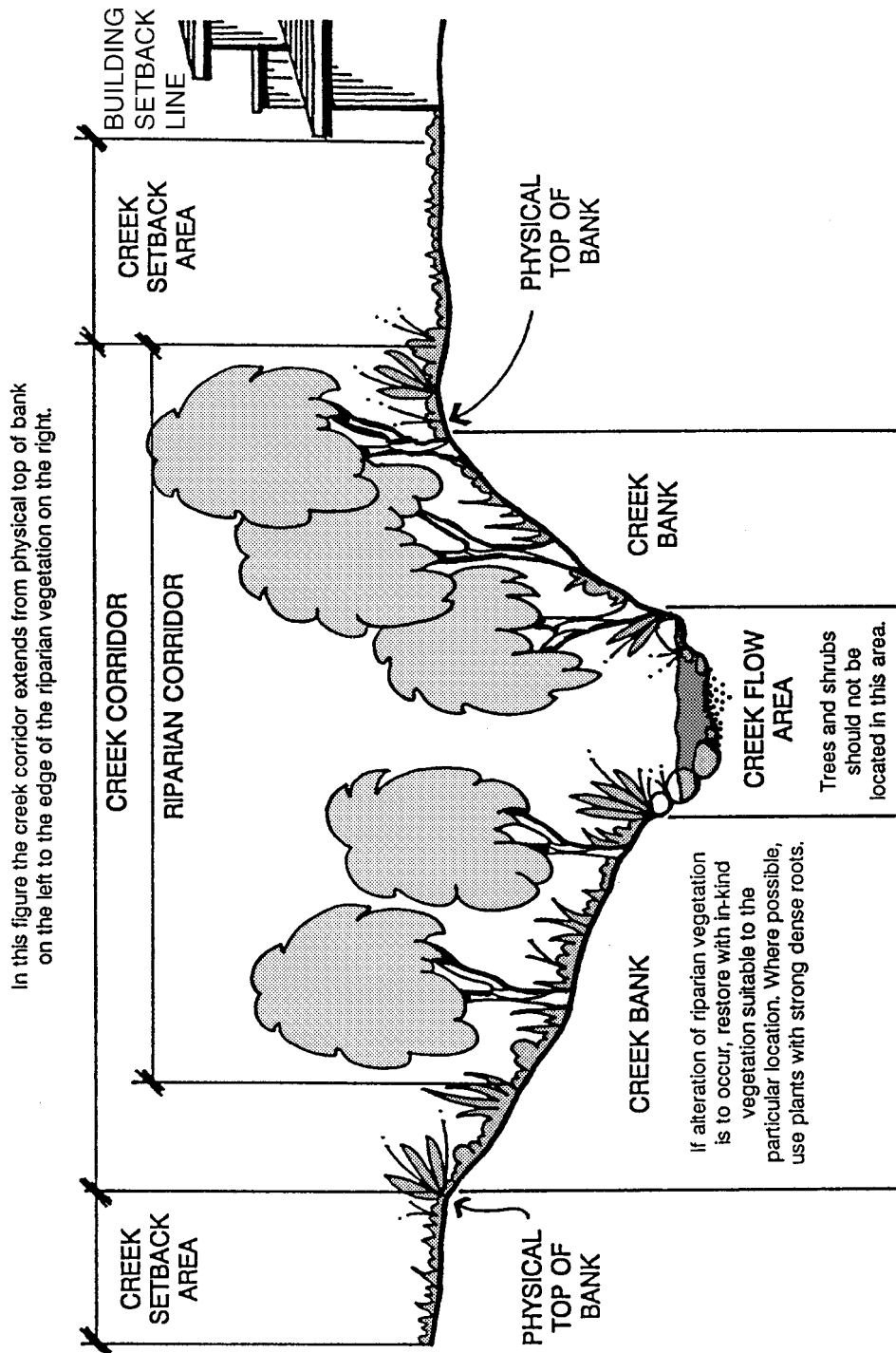


Figure 94-1: Riparian and Wildlife Corridors

C. Grading, Removal of Vegetation, and Fuelbreaks. The following standards are intended to recognize the importance of agriculture and the need for fuel reduction for forestry and fire protection purposes, while promoting safe and environmentally responsible grading, earthwork, vegetation clearance, and erosion control practices.

1. Grading, Vegetation Removal. Notwithstanding the definition of “grading” in Section 22.52.040 of the Land Use Ordinance, in this Planning Area, “grading” for the purposes of applying the standards of Chapter 22.52 of the Land Use Ordinance shall be defined as follows:

- a. All new earthwork that involves one or more of the following activities: excavations, fills, dams, reservoirs, impoundments, diking, dredging, borrow pits, stockpiling, or compaction of fill where the amount of material cumulatively for any of the above mentioned operations exceeds 10 cubic yards, OR
- b. Removal of more than 10,000 square feet of vegetation on slopes of 20 percent or steeper (if done for agricultural purposes, such removal of vegetation shall be considered agricultural grading for the purposes of applying the standards of Chapter 22.52 of the Land Use Ordinance).

2. Fuelbreaks. Notwithstanding Section 22.52.050B1d of the Land Use Ordinance, removal of more than 10,000 square feet of vegetation in this Planning Area on slopes of 20 percent and steeper for fuel reduction or fire protection purposes shall employ sound practices such as those recognized by USDA Natural Resources Conservation Service (for example, practices 314, 342 and 394 in the NRCS Field Operations Technical Guide) that will not adversely affect slope stability or groundwater recharge and that will prevent off-site drainage, erosion and sedimentation impacts.

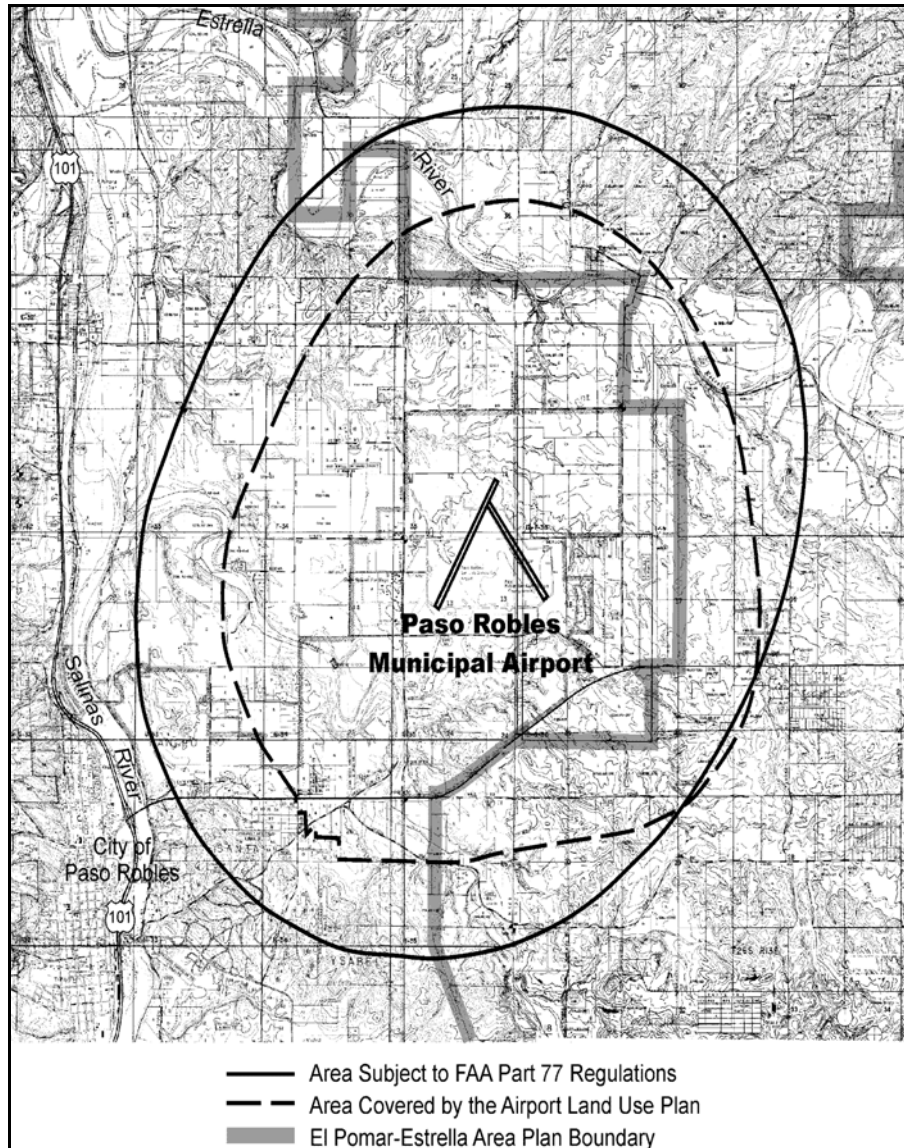
[Added 2003, Ord. 3014]

D. Light and Glare. At the time of application for any land use permit or land division, the applicant shall provide details on any proposed exterior lighting, if applicable. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark-colored.

[Added 2003, Ord. 3014]

22.94.030 - Combining Designations - Airport Review Area (AR)

The following standards apply within the Airport Review Area (AR) combining designation shown in Figure 94-2.



- A. Plan adopted by reference.** The Paso Robles Municipal Airport Land Use Plan is hereby incorporated into this Title by reference as though it were fully set forth here.

- B. Limitation on use.** Land uses shall be limited to those designated as "compatible" or "conditionally approvable" by the Paso Robles Municipal Airport Land Use Plan, in compliance with the land use permit requirements of Section 22.06.030 (Allowable Land Uses and Permit Requirements).
- C. Site design and development standards - Private lands.** All development applications for the area within the boundary of the Paso Robles Municipal Airport Land Use Plan are subject to the development standards set forth in that plan, in addition to all applicable provisions of this Title. In the event of conflicts between the provisions of the Airport Land Use Plan and this Title, the more restrictive provisions shall prevail.

[Amended 1984, Ord. 2206; 2003, Ord 3014]

22.94.040 - Rural Area Standards

The following standards apply within the El Pomar-Estrella planning area outside of village reserve lines, in the land use categories and/or specific areas listed.

- A. Planning Impact Areas.** The following standards apply to land within the planning impact areas of the cities of Paso Robles and Atascadero (shown in Figures 94-3 and 94-4). These areas are not intended to be considered as a basis for annexation or establishing spheres of influence.

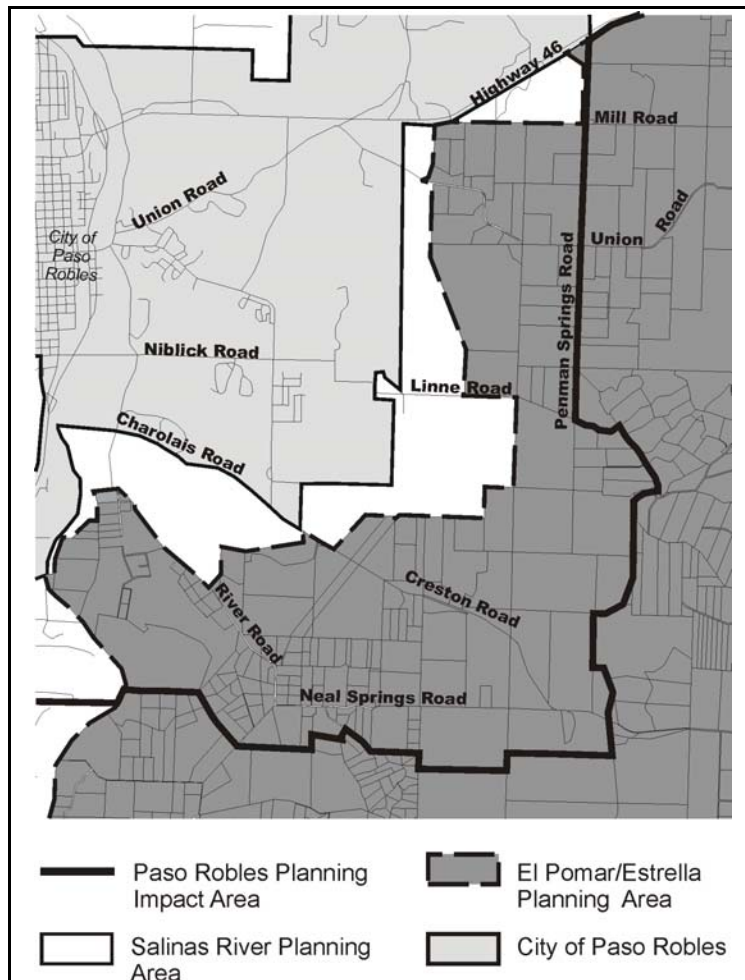


Figure 94-3: City of Paso Robles Planning Impact Area

1. **Application Referral.** Discretionary permit and general plan amendment applications shall be referred to the city of Paso Robles or Atascadero for review and comment.
2. **Development Impacts.** Discretionary projects with potential impacts that are associated with and that include, but are not limited to, water quantity and quality, drainage, erosion and sedimentation, traffic and circulation, public safety, and cumulative impacts, shall be addressed as subjects for additional consideration as part of the environmental review process.

3. **Consistency with City Plans.** Improvements and/or offers of dedication consistent with city plans shall be considered and may be required for projects depending on the location and scale of the proposed development, and an appropriate and feasible connection between the proposed development and the improvement.

[Added 2003, Ord. 3014]

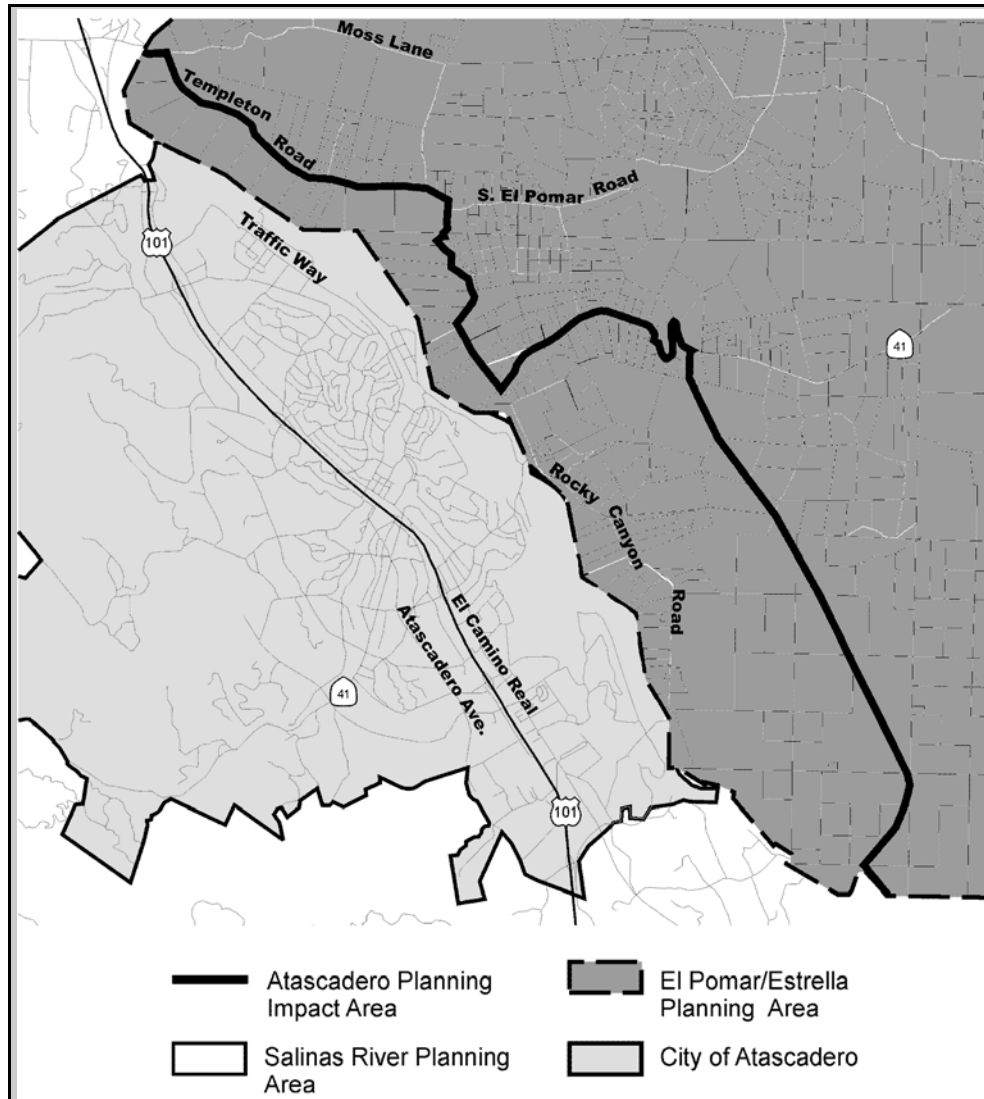


Figure 94-4: City of Atascadero Planning Impact Area

- B. Rocky Canyon Quarry Specific Plan Area.** All development within the Rocky Canyon Quarry Specific Plan Area (see Figure 94-5) shall comply with the adopted specific plan dated April 23, 1996 and amended May 2, 2002, including the objectives, policies and standards of the Rocky Canyon Quarry Specific Plan. In the event of any conflict between the provisions of this Title and the Specific Plan, the Specific Plan shall control. Any deviation of existing or proposed development from the provisions of the Specific Plan shall occur only after appropriate amendment of the Specific Plan.

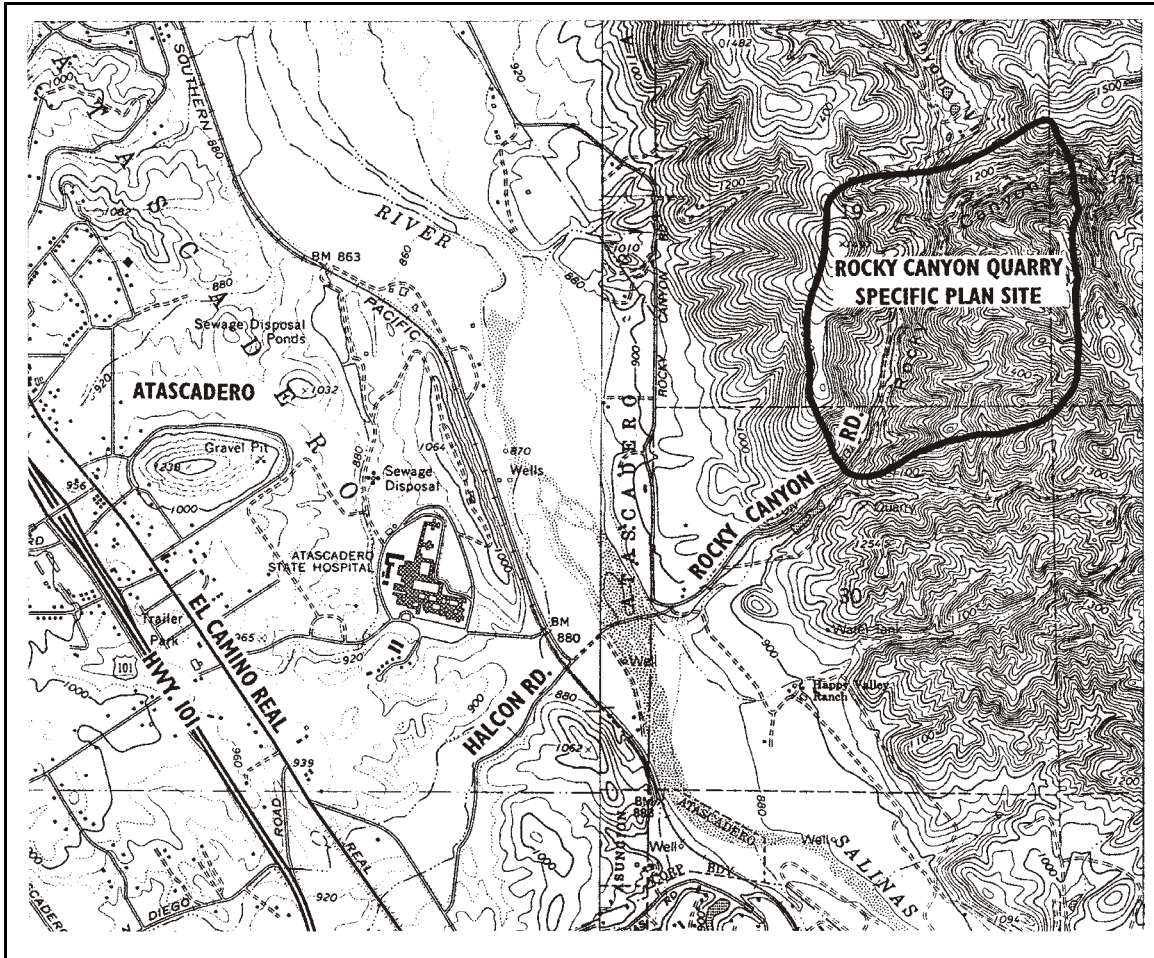


Figure 94-5 - Rocky Canyon Specific Plan Area

[Added 1996, Ord. 2760; Amended 1998, Ord. 2830; Amended 2002, Ord. 2968]

- C. Landfill Operations-Disclosure.** All applications for land use permits, land divisions and general plan amendments within one-half mile of either the Paso Robles Municipal Landfill or the Chicago Grade Landfill (shown in Figures 94-6 and 94-7) shall include a disclosure statement for informational purposes only to be provided by the Planning and Building Department. The disclosure statement shall include language regarding possible inconveniences and discomforts resulting from continuing and future landfill operations, including possible expansion of the landfills, and shall state that persons are not prevented from notifying appropriate agencies or seeking available remedies concerning any improper or unlawful activities at the landfills.

[Added 2003, Ord. 3014]

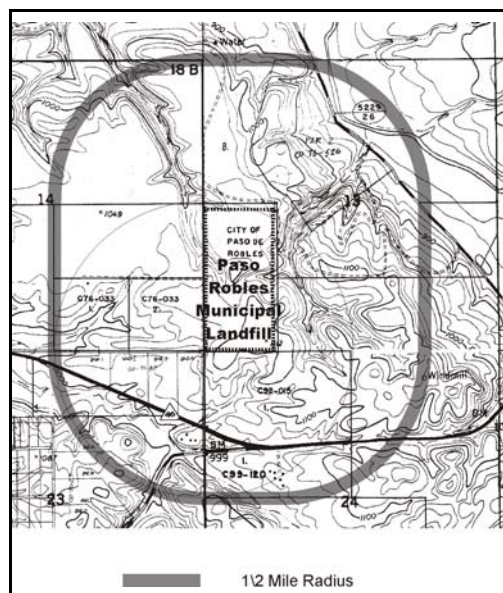


Figure 94-6: Paso Robles Municipal Landfill Area

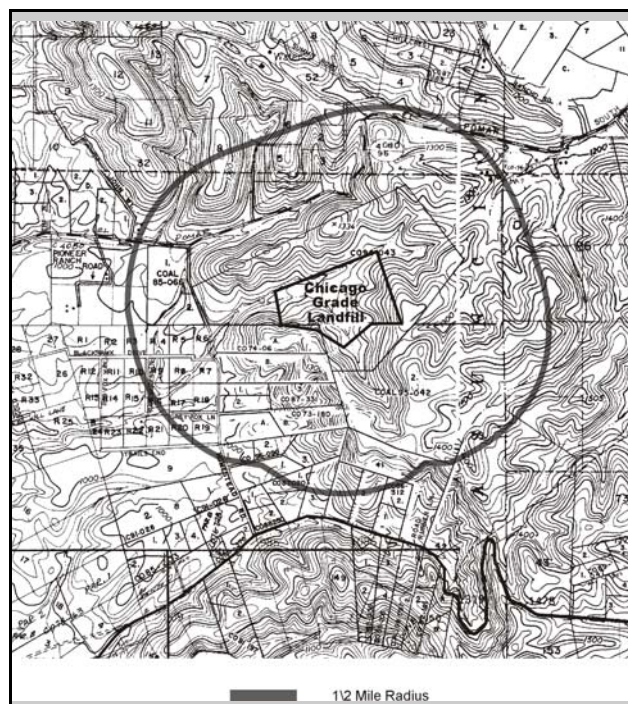


Figure 94-7: Chicago Grade Landfill Area

- D. Agriculture (AG).** The following standards apply within the Agriculture land use category.
- 1. Protection of Productive Agricultural Land.** For projects requiring discretionary approval on irrigated lands or dry farm lands (as defined in the Agriculture and Open Space Element), new buildings, structures and roads shall be located on the least productive area of the property or closest to access roads, so that development does not diminish the utility of farm fields, unless the discretionary review shows there is no practical alternative for siting the proposed improvements.

2. **Buffers on Non-Agricultural Land.** Any required buffer between agricultural operations and residential development shall lie completely within the property proposed for non-agricultural development, except for perimeter roads on agricultural property that are included as part of the required buffer.

[Added 2003, Ord. 3014]

3. **Tracts 3, 4, 14, 16, 18, 20, 21, 22 and 23.** The following standards apply only to properties shown in Figures 94-8 through 94-10.

- a. **Offer of Dedication.** Prior to issuance of any land use permit, offer for dedication a public road right-of-way across the entire property frontage along the proposed road. Offered rights-of-way should follow platted road alignments where feasible, and are to be one-half of a 50-foot wide road section from the future centerline.

[Amended 2003, Ord. 3014]

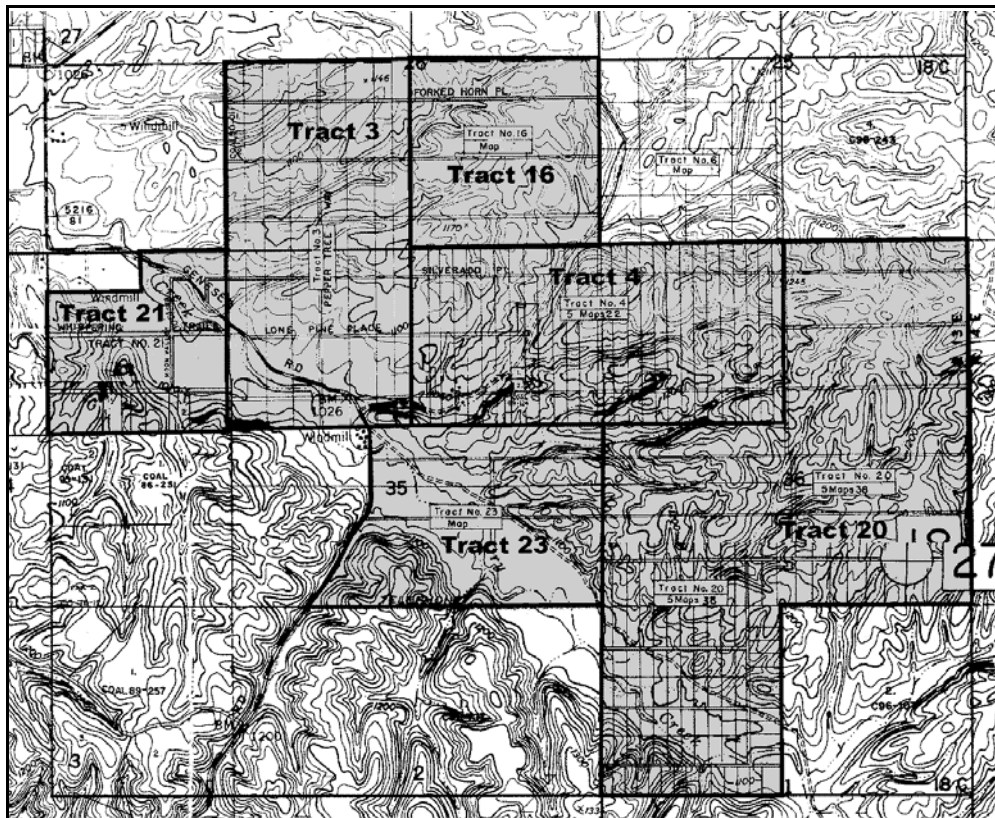
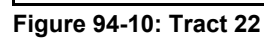
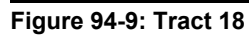


Figure 94-8: Tracts 3, 4, 16, 20, 21 and 23



4. **Tract 1280.** The following standards apply within Tract 1280 as shown on Figure 94-11 (Assessors Parcel Numbers 15-013-49, 15-021-20 and 21).
- a. **Permit Requirement.** Minor Use Permit approval is required before residential and agricultural development of each parcel within Tract 1280. Each application shall show: a) the location and type of accessory buildings and other pertinent construction related to a horse-breeding operation or other agricultural use that qualifies for a 20-acre minimum parcel size per the Land Use Ordinance, and b) the size, location and design of any proposed residential site. Each application shall also show information necessary to comply with the conditions of Development Plan D850320:2 and Tentative Tract 1280.
 - b. **Density Limitation.** Each parcel may develop with no more than one single-family dwelling and one farm support unit that qualifies per the Land Use Ordinance.

[Amended 1986, Ord. 2270; 2003, Ord. 3014]

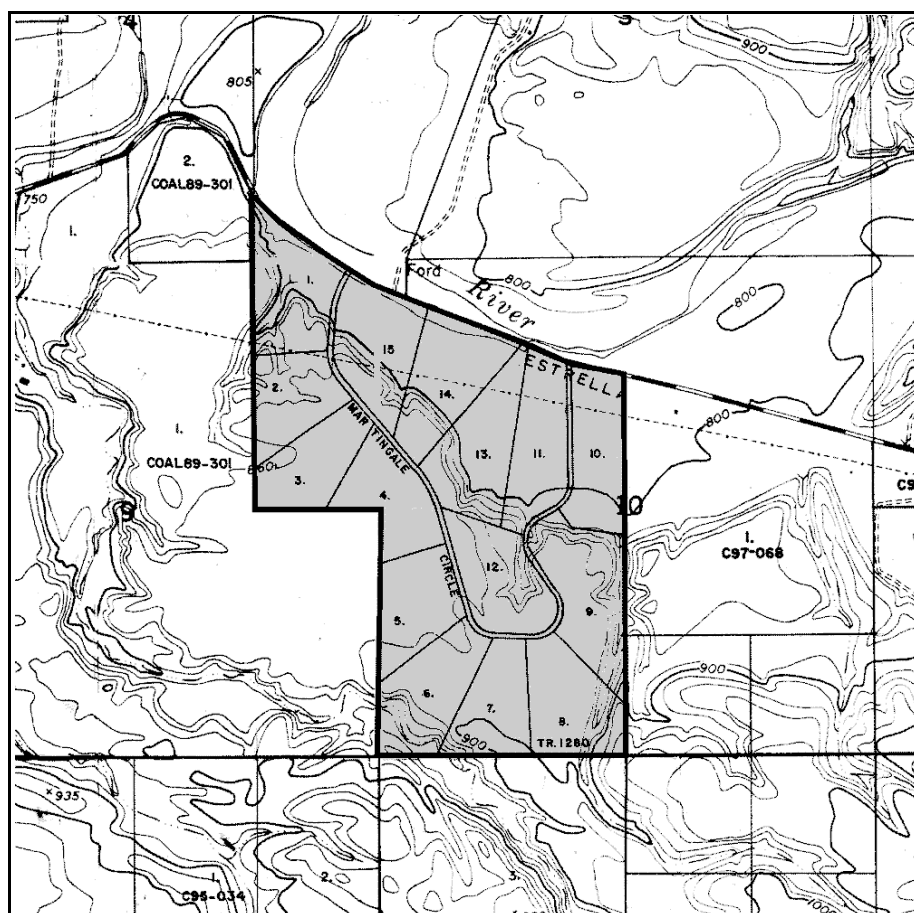


Figure 94-11: Tract 1280

E. Rural Lands (RL). The following standards apply within the Rural Lands (RL) land use category.

1. Old Adobe Way, Kingsbury Road and Vicinity. The following standard applies only to those parcels shown in Figure 94-12.

- a. Land Division Requirements – Road Improvements.** New land divisions shall be conditioned to require that: a) the road providing access to the site be improved to county paved road (A-1 rural) standards fronting the site and continuing to the nearest publicly-maintained road, and b) an offer of dedication be made to the county for one-half of a 50-foot right-of-way fronting the site.

[Added 2003, Ord. 3014]

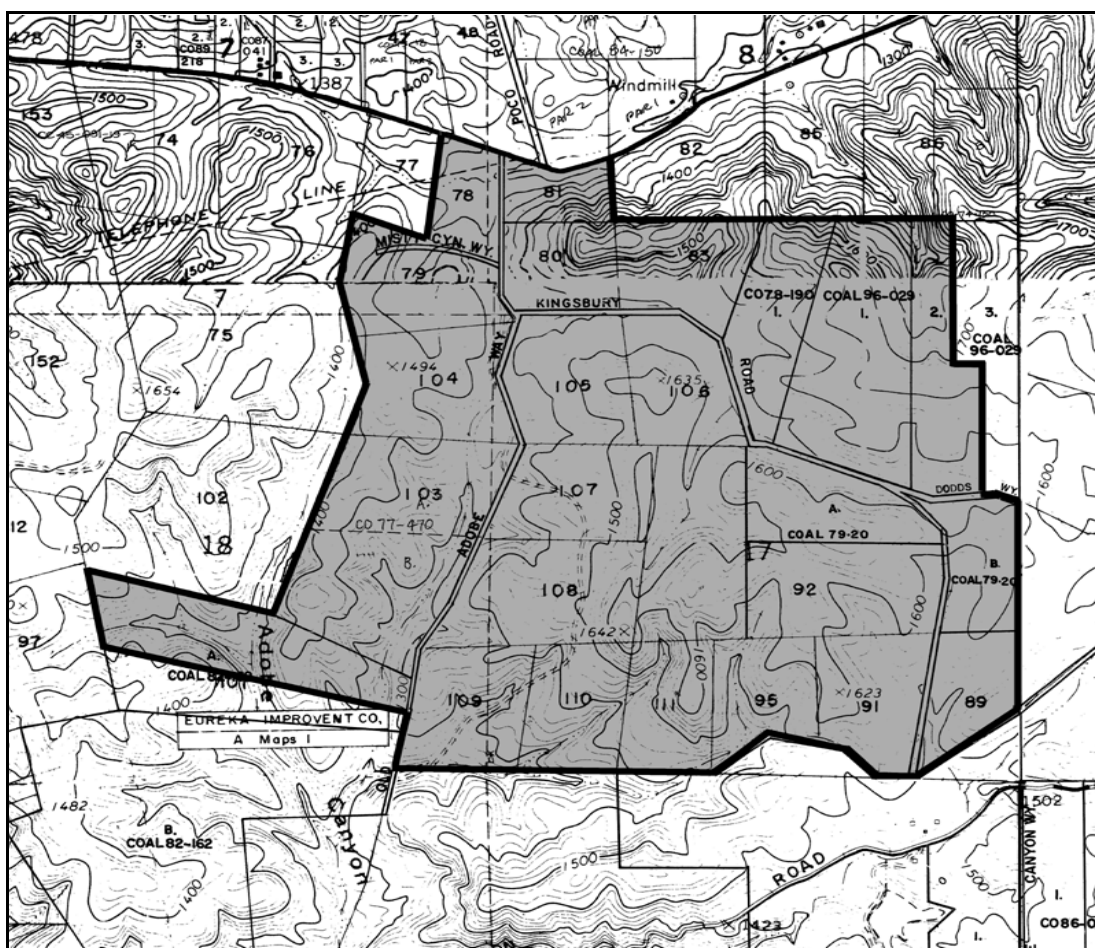


Figure 94-12: Old Adobe Way, Kingsbury Road and Vicinity

F. Residential Rural (RR). The following standards apply within the Residential Rural (RR) land use category.

1. **General standards.** The following standards apply to all parcels within the RR land use category, as applicable.

a. **Offer of dedication.** Prior to the issuance of any land use permit, offer for dedication a public road right-of-way across the entire property frontage along the proposed road. Offered rights-of-way should follow platted road alignments where feasible, and are to be one-half of a 50-foot wide road Section from the future centerline.

[Amended 2003, Ord. 3014]

2. **Eddy Ranch (Assessors Book 36) and Independence Tracts 6, 6A, 6B and 6D:** The following standard applies only to properties shown in Figures 94-13 and 94-14.

a. **Access Location.** At the time of development, lots fronting the south side of Highway 41 (Eddy Ranch) and Hog Canyon Road (Independence Tracts 6, 6A, 6B and 6D) are to be provided with access roads from the building site to the internal street system of the subdivision wherever the County Engineer determines sight distances to be adequate and where the access roads can be constructed with slopes less than 15 percent.

[Amended 2003, Ord. 3014]



Figure 94-13: Portion of Eddy Ranch

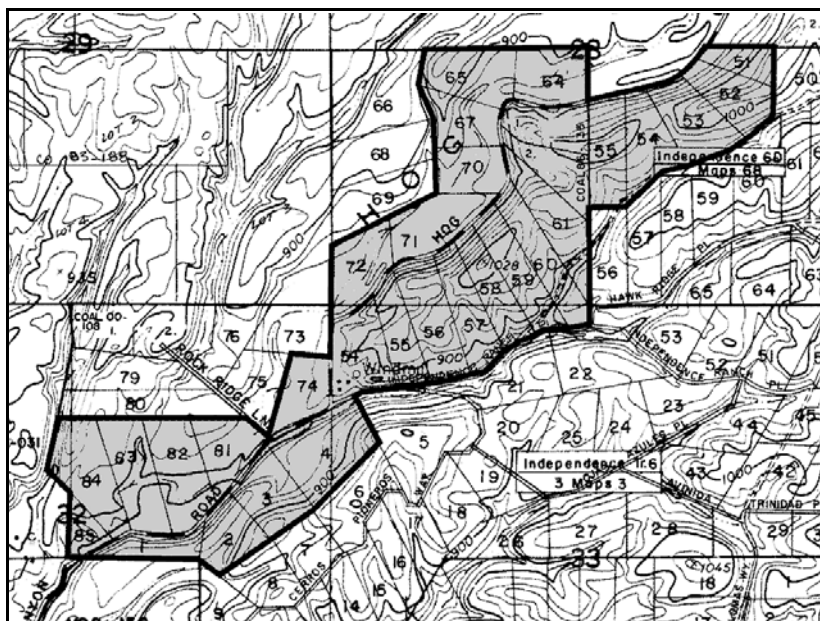


Figure 94-14: Portion of Independence Tract

3. **Dunning and Dresser Tract (including the Town of Linne) and a portion of Dresser Subdivision No. 1:** The following standard applies only to properties shown in Figures 94-15 and 94-16.

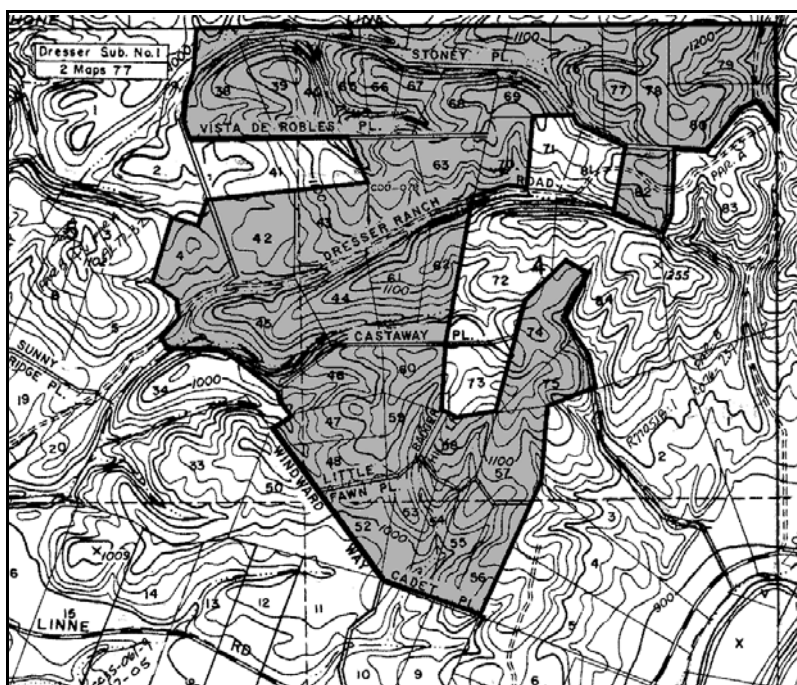


Figure 94-15: Portions of Dunning and Dresser Tract and Dresser Subdivision No. 1

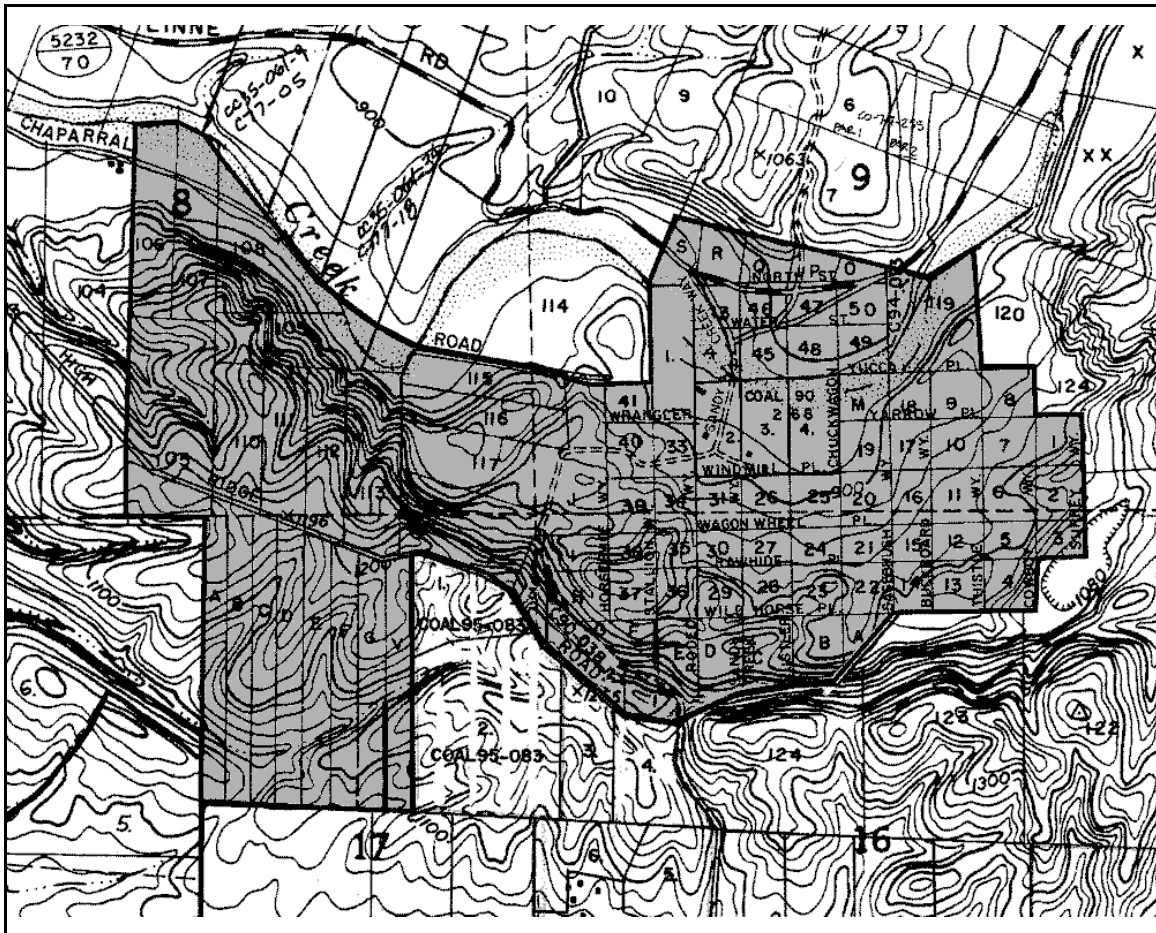


Figure 94-16: Portion of Dunning and Dresser Tract, including Town of Linne

- a. **Parcel Size.** The minimum allowable parcel size for new land divisions is 20 acres, unless a larger size would otherwise be required by Sections 22.04.020 et.seq. of the Land Use Ordinance.

[Amended 2003, Ord. 3014]

4. **Tract 1371 and Vicinity, Portion of Bowers Orchard Tract, and a Portion of Almond Ridge Orchard Tract No. 1.** The following standard applies only to those parcels shown in Figure 94-17.

- a. **Minimum Parcel Size.** The minimum allowable parcel size for new land divisions is 10 acres, unless a larger minimum parcel size is otherwise required by the Land Use Ordinance.

[Amended 1985, Ord. 2226; 1993, Ord. 2646; 2003, Ord. 3014]]

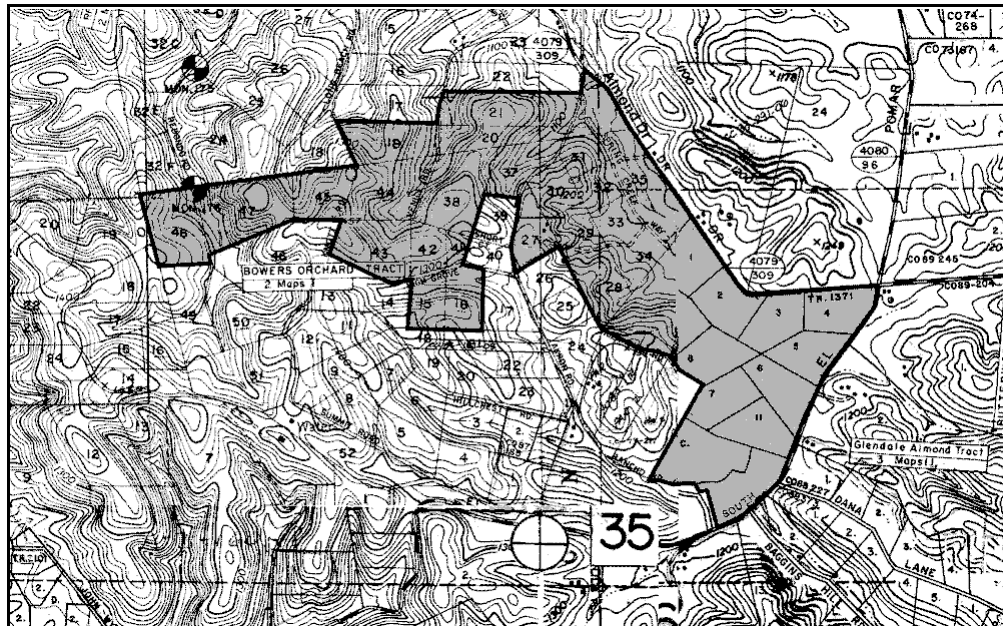


Figure 94-17: Tract 1371 and Vicinity, Bowers Orchard Tract, and a ptn of Almond Ridge Orchard Tract No. 1

5. **Northwest and Northeast Corners of Highway 41 and Poco Road.** The following standards apply only to the parcels at the northwest and northeast corners of Highway 41 and Poco Road shown in Figure 94-18.

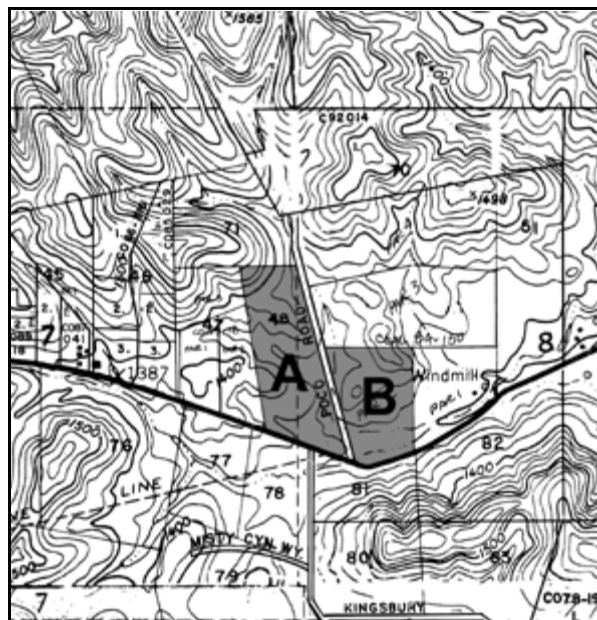


Figure 94-18: Northwest and Northeast Corners of Highway 41 and Poco Road

- a. **Minimum Parcel Size.** The minimum allowable parcel size for new land divisions in areas A and B is 10 acres.
- b. **Residential Density.** The maximum allowable residential density in area A is one dwelling unit per ten acres.

[Amended 2003, Ord. 3014]

6. **Tract 2308.** The following standards apply only to the parcels in Tract 2308 for possible future roadway purposes, as shown in Figure 7-19.

- a. **Required Setback.** A 150-foot setback shall be maintained along the southerly boundary of Tract 2308 for possible future roadway purposes. No structures shall be allowed to be constructed within this setback. Roads and driveways may be constructed within the setback.

[Added 1994, Ord. 2674]

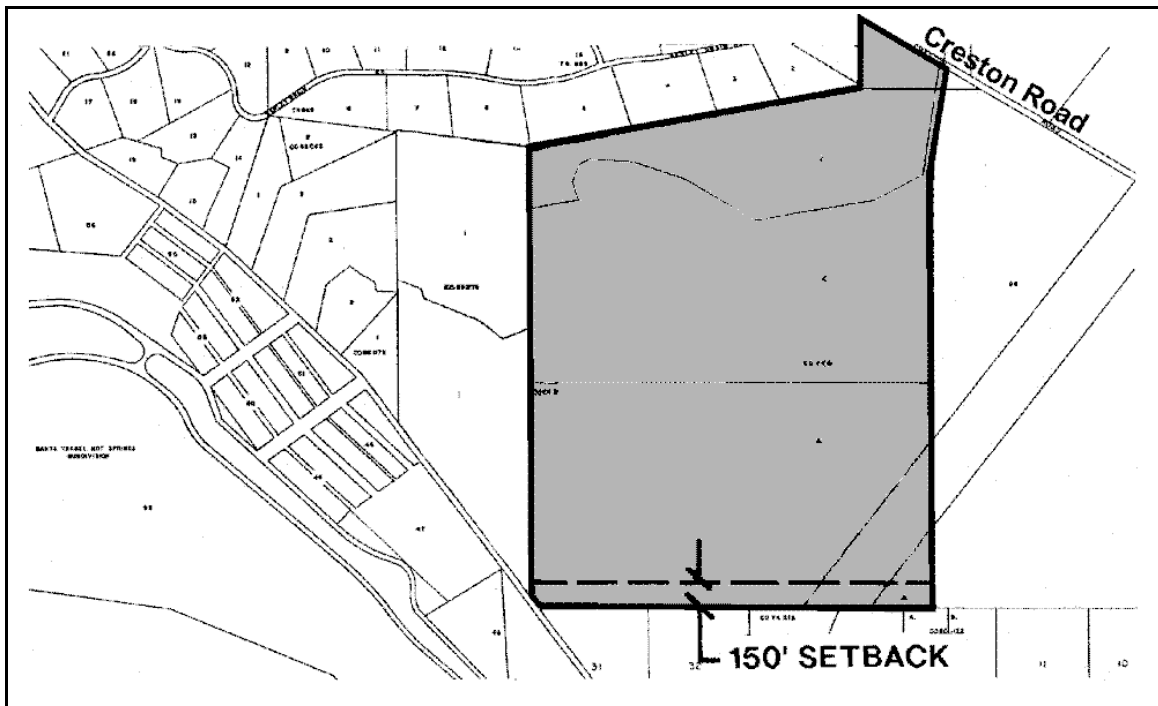


Figure 94-19: Tract 2308

7. **Southwest Corner of Neal Spring Road and Hollyhock Lane.** The following standards apply to all of the those parcels shown in Figure 94-20.

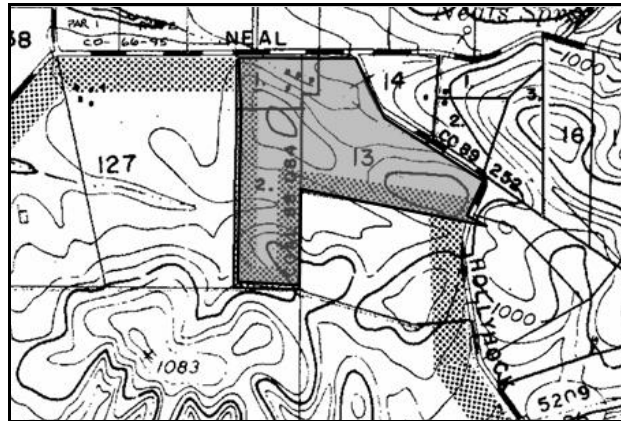


Figure 94-20: RR - Southwest corner of Neal Spring Road and Hollyhock Lane

- a. **Density limitation.** Residential density shall be limited to a maximum of one primary dwelling, except that a secondary dwelling is allowable if it was legally established before June 14, 2007.
- b. **Subdivision and development requirements.** Prior to approval of a tentative parcel map, the applicant for a subdivision shall designate building sites and parcel access roads that demonstrate how the following requirements can be met with approval of the map: The parcel layout shall, to the extent feasible, provide (1) residential building sites situated below ridges and hilltops such that allowed residential and accessory development will reduce silhouetting against the sky as seen from public roads, (2) road access with minimal visibility from public roads, (3) alternate residential setbacks from the interior and public roads, and (4) plant a minimum of six trees per lot clustered within the setback, to provide a generous landscape setting and significant screening so as to minimize their presence along this portion of the street. Any proposals should retain the intent of minimizing urban or suburban or rural residential character.
- c. Prior to submitting subdivision improvement plans and recording a subdivision map, the applicant shall include the following requirements on an additional map sheet and include relevant information on the subdivision improvement plans as applicable:
 - (1) At the time of submittal of subdivision improvement plans and/or application for construction permits, the applicant shall clearly delineate the height of new development above the existing natural ground surface on the project plans, such that the appearance of buildings will be minimized from Neal Spring Road and Hollyhock Lane, and will reduce silhouetting against the sky as seen from public roads. New development on no less than half or two of the proposed or existing parcels (whichever is more) shall not exceed 20 feet and one story in height above the existing ground surface.

- (2) At the time of submittal of subdivision improvement plans and/or application for construction permits, the applicant shall clearly delineate the vertical height of all cut and fill slopes on the project plans and the border of cut slopes and fills rounded off to a minimum radius of five feet. No cut or fill area that will be visible from Neal Spring Road or Hollyhock Lane shall exceed five feet in vertical height above or below the existing ground surface. For any visible cuts from Neal Spring Road or Hollyhock Lane, sufficient topsoil shall be stockpiled and reapplied or re-keyed over these visible cut areas to provide at least 8" of topsoil for the reestablishment of vegetation. As soon as the grading work has been completed, the cut and fill slopes shall be reestablished with non-invasive, fast-growing vegetation.
- (3) At the time of submittal of subdivision improvement plans and/or application for construction permits, the applicant shall clearly delineate on the project plans the location and visual treatment of any new water tank(s), detached residential accessory and other out-buildings. All such structures shall be located in the least visually prominent location feasible when viewed from Neal Spring Road or Hollyhock Lane. Screening with topographic features, existing vegetation or existing structures shall be used as feasible. If the structures cannot be fully screened with existing elements, then they shall be a neutral or dark, non-contrasting color, and landscape screening shall be provided. The applicant shall provide evidence that the proposed tank(s) are as low profile as is possible, given the site conditions. Landscape material must be shown to do well in existing soils and conditions, be fast-growing, evergreen and drought tolerant. Shape and size of landscape material shall be in scale with proposed tank(s) and surrounding native vegetation. Plans shall show how plants will be watered and what watering schedule will be applied to ensure successful and vigorous growth.
- (4) At the time of submittal of subdivision improvement plans and/or application for construction permits, the applicant shall submit architectural elevations of all proposed structures to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The elevations shall show exterior finish materials, colors, and height above the existing natural ground surface. Colors shall minimize the structure massing of new development by reducing the contrast between the proposed development and the surrounding environment. Colors shall be compatible with the natural colors of the surrounding environment, including vegetation, rock outcrops, etc.. Darker, non-reflective, earth tone colors shall be selected for walls, chimneys etc. and darker green, grey, slate blue, or brown colors for the roof structures. All color selections shall fall within a "chroma" and "value" of 6 or less, as described in the Munsell Book of Color (review copy available at County).

- (5) At the time of submittal of subdivision improvement plans and/or application for construction permits, the applicant shall submit landscape, irrigation, landscape maintenance plans and specifications to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The landscape plan shall be prepared as provided in Chapter 22.16 of the San Luis Obispo County Land Use Ordinance and shall provide at least six screening trees and other vegetation that will adequately blend the new development, including residences, driveways, access roads, outbuildings, water tanks, etc., into the surrounding environment when viewed from Neal Spring Road.
- (6) At the time of submittal of subdivision improvement plans and/or application for construction permits, the applicant shall demonstrate that retaining walls, sound walls, and understories that exceed six feet in height shall be constructed in colors and tones compatible with the surrounding environment, and shall use textured materials and/or construction methods which create a textured effect, when viewed from Neal Spring Road or Hollyhock Lane. Landscaping that will either screen from in front or grow over from above the wall shall be established prior to final inspection or issuance of a certificate of occupancy, whichever occurs first.
- (7) At the time of submittal of subdivision improvement plans and/or application for construction permits, the applicant shall demonstrate that the access road from Neal Spring Road or Hollyhock Lane to any subdivision shall be located and designed to avoid, or if not feasible, to minimize grading and tree impacts, and to minimize traffic and noise impacts to adjacent property, while still satisfying sight distance requirements.

[Amended 1994, Ord. 2686; 2006, Ord. 3106; 2007, Ord. 3126]

G. Residential Suburban (RS). The following standards apply within the RS land use category.

- 1. **Offer of dedication.** Prior to the issuance of any land use permit, a public road right-of-way across the entire property frontage along the proposed road shall be offered for dedication. Offered rights-of-way should follow platted road alignments where feasible, and are to be one-half of a 50-foot wide road section from the future centerline.

[Amended 2003, Ord. 3014]

22.94.050 - Creston Village Area Standards

The off-street parking requirements of Chapter 22.18 are waived in the Commercial Retail (CR) land use category within the village of Creston for any commercial use with a total floor area less than 2,500 square feet.

[Amended 2003, Ord. 3014]

El Pomar-Estrella Planning Area

22.94.040